



**Terms Of Reference**  
**Municipality of Brockton 2022 Election**  
**Compliance Audit Committee Terms of**  
**Reference**

**1. Name**

The Municipality of Brockton 2022 Election Compliance Audit Committee shall be referred to throughout this document as “the Committee” and otherwise named the “Municipality of Brockton Compliance Audit Committee”.

**2. Duration**

The term of office for all members of the Committee shall commence November 16, 2022 and terminate November 14, 2026. The Committee will fulfill the mandate described below during the 2022 Election and any by-elections during Council’s term.

**3. Mandate**

The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996* (the “MEA”). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. The responsibilities of the Committee include, but are not limited to, the following:

1. consider a compliance audit application received from an elector and determine whether it should be granted or rejected;
2. if the application is granted, appoint an auditor to conduct a compliance audit of the candidate’s election campaign finances;
3. receive and consider the auditor’s report;
4. if the report concludes that the candidate appears to have contravened a provision of the MEA relating to election campaign finances, determine whether legal proceedings should be commenced; or  
if the report concludes that the candidate does not appear to have contravened a provision of the MEA relating to election campaign finances, determine whether there were reasonable grounds for the application;
5. make a recommendation to Council relating to the recovery of the costs incurred for conducting the compliance audit from the applicant if the auditor’s report indicates that there were no apparent contraventions and if there appears that there were no reasonable grounds for the application.

**4. Committee Composition**

The Committee will be comprised of three (3) members and one (1) alternate member. When an application has been filed under the applicable section of the MEA, the Clerk shall notify the

three (3) members that comprise the Committee. If a member is not able or is unwilling to complete or fulfill his or her duties on the Committee, the Clerk will appoint the alternate member as a replacement.

A replacement member may also be called upon to replace a voting member that is unavailable, declares a conflict of interest under the *Municipal Conflict of Interest Act*, or has resigned from the Committee.

Membership will be drawn with preference from the following groups:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and Registered Third Parties;
- b. lawyers with experience in municipal or administrative law;
- c. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- d. other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act*.

Pursuant to section 88.37 of the Act, the following are not eligible to be appointed to the Committee:

- a) members of Council or local boards;
- b) employees or officers of the Municipality of Brockton;
- c) any Candidates or any persons who are Registered Third Parties, as defined in the Act, in the 2022 election or in any by-election during the term of Council;
- d) any persons who are Registered Third Parties in the municipality in the election for which the Committee is established;
- e) any person who prepares the financial statements of any candidate running for office on Council during the term for which the Committee has been established would not be eligible for appointment to the Committee.

Members will be required to participate in orientation as a condition of appointment.

## **5. Membership Selection**

The Clerk of the Municipality of Brockton, or an individual appointed on her behalf, will approach known potential members and determine whether potential members are interested in serving on the Compliance Audit Committee. The Clerk will make recommendations for appointment to the Committee.

The terms of reference will be posted on the Municipality of Brockton website.

Members will be selected on the basis of the following:

- a. demonstrated knowledge and understanding of municipal election financing rules;
- b. proven analytical and decision-making skills;
- c. experience working on a committee, task force or similar setting;
- d. availability and willingness to attend meetings; and
- e. excellent communication skills.

Recommended members will be submitted to Council for consideration and appointment.

## **6. Conflict of Interest**

The principles of the *Municipal Conflict of Interest Act*, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.

No member of the Committee shall prepare or audit the election financial statements of any candidate or Registered Third Party in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

## **7. Chair**

The Committee will select a Chair from amongst its members at its first meeting when a compliance audit application is received.

The Chair shall enforce the observance of order and decorum among the Committee members and the public, at all meetings.

When the Chair is absent, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

## **8. Staffing**

The Clerk of the Municipality of Brockton, or her designate, shall act as Secretary to the Committee.

The Clerk may establish administrative practices and procedures for the Committee and shall carry out any other duties required under this Act to implement the Committee's decision.

## **9. Expenses**

The Municipality of Brockton shall be responsible for all reasonable associated expenses, including the auditor's costs.

## **10. Committee Member Remuneration**

Each member of the Committee shall be entitled to receive the following remuneration for acting:

- \$50.00 per hour for each sitting; and
- Mileage at the applicable municipal rate.

Each member of the Committee shall pay for his or her own personal meals.

## **11. Meetings**

Meetings of the Committee shall be open to the public. Decisions are to be discussed and rendered in open session.

Meetings will be conducted according to the appropriate sections of the *Municipal Elections Act* and the Procedural By-Law, being By-Law 2018-092, as amended, excluding closed session provisions. Meetings shall be called by the Clerk when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the members of the Committee. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of meetings will be determined by the Committee in consultation with the Clerk.

### Meeting Location

The Committee shall meet at the main office for the Municipality of Brockton, being 100 Scott Street, Walkerton, Ontario.

### Meeting Notices, Agendas and Minutes

The agenda shall constitute notice. The Clerk shall cause reasonable notice of the meetings to be provided per the requirements of the *Municipal Election Act*, more specifically, a minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays. The agendas and minutes of meetings shall be posted on the Municipality of Brockton website.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

### Procedures

#### Candidate Contravention:

- a. within thirty (30) days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within thirty (30) days receipt of the auditor's report, consider the report;
- f. if the report concludes that the Candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the Candidate for the apparent contravention;
- g. after reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

#### Candidate Contributor Contravention

- a. within thirty (30) days receipt of a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

#### Registered Third Party Contravention

- a. within thirty (30) days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d. receive the auditor's report from the Clerk;

- e. within thirty (30) days receipt of the auditor's report, consider the report;
- f. if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g. after reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

#### Registered Third Party Contributor Contravention

- a. within thirty (30) days receipt of the report, consider the report;
- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

#### Auditor Selection

If the committee decides to grant the application, it shall appoint an auditor, licensed under the *Public Accounting Act, 2004*, to conduct a compliance audit of the Candidate's election campaign finances.

The selection process will be coordinated through the Clerk of the applicable member municipality

#### Meeting Attendance

Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member. The Clerk may then recommend a replacement member for consideration by Council.

### **12. Administrative Practices and Procedures**

These Terms of Reference constitute the administrative practices and procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the MEA.

The Clerk at any time has the right to develop additional administrative practices and procedures.

The records of the Committee meetings shall be retained and preserved by the Clerk in accordance with the Municipality of Brockton Records Retention Policy.

### **13. Appointment by By-Law**

All members of the Committee shall be appointed by By-Law.